	Application No.	Applicant(s)
Interview Summary	09/493,750	OJHA ET AL.
	Examiner	Art Unit	
	Robert M. Pond	3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) *Robert M. Pond*.   (3)_____.

(2) *Mr. Jonathan Owens, #37,902*.   (4)_____.

Date of Interview: *14 February 2009*.

Type: a)☒ Telephonic b)☐ Video Conference
       c)☐ Personal [copy given to: 1)☐ applicant   2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes   e)☒ No.
    If Yes, brief description: _____.

Claim(s) discussed: *1,4,6-26 and 28-35*.

Identification of prior art discussed: *Walker US 7,039,603*.

Agreement with respect to the claims f)☒ was reached.   g)☐ was not reached.   h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *See attached email correpondence*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Robert M. Pond/
Primary Examiner, Art Unit 3625

Pond, Robert

From: Jonathan O. Owens [jowens@hollp.com]
Sent: Saturday, February 14, 2009 10:22 AM
To: Pond, Robert
Subject: RE: Waiting for authorization

Examiner Pond:

If those claims are allowable, let's go with them. Let me know if there are any outstanding issues.
Thank you for your work on this.

Jonathan O. Owens
HAVERSTOCK & OWENS LLP
162 N. Wolfe Rd.
Sunnyvale, CA 94086
phone (408) 530-9700
fax (408) 530-9797

From: Pond, Robert [mailto:Robert.Pond@USPTO.GOV]
Sent: Friday, February 13, 2009 2:43 PM
To: Jonathan O. Owens
Subject: Waiting for authorization

Mr. Owens,
You're welcome. I reviewed the updates you made to all other claims. Waiting for authorization via email reply.

Thanks,
Rob Pond
571-272-6760

From: Jonathan O. Owens [mailto:jowens@hollp.com]
Sent: Friday, February 13, 2009 5:02 PM
To: Pond, Robert
Subject: RE: Draft Claim suggestions

Examiner Pond:

Thank you for sending these changes. I think we are there. I am attaching a set of claims with
changes to the other claims, like those to Claim 1. I am still waiting for final word from my client, but I
think if these are allowable then we are good. I look forward to hearing from you.

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From: Pond, Robert [mailto:Robert.Pond@USPTO.GOV]
Sent: Friday, February 13, 2009 7:21 AM
To: Jonathan O. Owens
Subject: RE: Draft Claim suggestions
Importance: High

Mr. Owens,
I'm suggesting changes to the latest draft you proposed yesterday for your comment/correction/approval. My
suggested changes accomplish the following that address your client's desired outcome and PTO's:

- Creates the loop that produces a predictable outcome. Should the third-party send a counteroffer, the
  counteroffer becomes an ask price and the process starts over until an acceptance is reached.

- With both counteroffer and acceptance in play (not a conditional situation anymore), the reasons for
  allowance apply to the entire claim. Strengthens the combination, it is clear that we are not dealing with
  pre-stored subsidy amounts as does Walker patents and provides dynamic interaction.

- Leaves the door open for mutually exclusive bid groups in claim 23 without restricting the independent
  claim to only mutually exclusive bid groups. Claim 23 is now proper.

- Clarifies which computer facilitates the transactions versus first party, second party and/or third party
  computers.

- Changes "enabling" to positively cited step (I didn't pick up on this earlier).

Claim 1 is the model for all independent. Claim 25 is cut and paste. Claims 26 is cut and paste with additional
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From: Jonathan O. Owens [mailto:jowens@hollp.com]
Sent: Thursday, February 12, 2009 9:45 PM
To: Pond, Robert
Subject: Draft Claim

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<<draft.claim.1.doc>>

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2/14/09

Pond, Robert

From:	Jonathan O. Owens [jowens@hollp.com]
Sent:	Friday, February 13, 2009 5:02 PM
To:	Pond, Robert
Subject:	RE: Draft Claim suggestions

Attachments: claims.2.13.2009.doc

Examiner Pond:

Thank you for sending these changes. I think we are there. I am attaching a set of claims with changes to the other claims, like those to Claim 1. I am still waiting for final word from my client, but I think if these are allowable then we are good. I look forward to hearing from you.

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Claim 1 is the model for all independent. Claim 25 is cut and paste. Claims 26 is cut and paste with additional "notifying" step. Please look at claims 27 and 32 for differences or cancellations.

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Rob Pond
571-272-6760

From: Jonathan O. Owens [mailto:jowens@hollp.com]
Sent: Thursday, February 12, 2009 9:45 PM
To: Pond, Robert
Subject: Draft Claim

Examiner Pond:

Thank you again for your time today. I think we are working towards a conclusion of this process. As we discussed, I am attaching a revised Claim 1. I have marked the claim to show the changes from the last entered amendment. You will see that I have added language "transmitting the second ask price to the first party . . ." This has support in the specification at least at page 42, line 23 – page 43, line 2. I look forward to hearing from you.

<<draft.claim.1.doc>>

Jonathan O. Owens
HAVERSTOCK & OWENS LLP
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Sunnyvale, CA 94086
phone (408) 530-9700
fax (408) 530-9797

2/13/09

1.   (currently amended) A ~~computer implemented~~ method ~~for~~ of facilitating server-implemented transactions in a wide area network between a first party and one or more second parties, the method comprising:

provide a first by a transaction server an ask price for a particular product to a first party, wherein the ~~first~~ ask price is associated with ~~and specified by~~ a particular second party;

~~enabling~~ submitting by the first party ~~to submit~~ a ~~first~~ bid price for the particular product of the particular second party in response to receiving the ~~first~~ ask price, wherein the bid price is lower than the ask price;

providing by the transaction server information relating to a transaction between the first party and the particular second party to a third party's computer via the wide area network, the information including the ~~first~~ bid price associated with the first party and the ~~first~~ ask price associated with the particular second party, wherein any interested entity facilitates consummation of the transaction as the third party via the wide area network; and

~~enabling~~ transmitting a response from the third party's computer to ~~dynamically facilitate consummation of the transaction between the first and second parties by transmitting a counteroffer or an acceptance from the third party via the wide area network after receiving the first bid price and the first ask price, and enabling the third party to cover at least part of a first difference between the first bid price and the first ask price,~~

~~wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party~~ the transaction server after receiving the bid price and the ask price, the response from the third party one of:

a counteroffer wherein the counteroffer covers at least part of a first difference between the bid price and the ask price, wherein the transaction server transmits the counteroffer to the first party as an ask price; and

an acceptance wherein the acceptance covers the difference between the bid price and the ask price, wherein the transaction server terminates negotiations with one or more second parties for the particular product and completes the transaction.

2.   (canceled)

3.   (canceled)

4.   (previously presented) The method of claim 1 further comprising notifying the second party of the counteroffer transmitted to the first party via the wide area network.

5.   (canceled)

6.   (previously presented) The method of claim 1 further comprising notifying the second party of the acceptance transmitted to the first party via the wide area network.

7.   (original) The method of claim 1 wherein providing the information comprises transmitting a web page to the third party via the wide area network, an entry in the web page corresponding to the transaction between the first and second parties.

8.   (currently amended) The method of claim 7 wherein ~~enabling~~ transmitting a response from the third party~~'~~s computer ~~to facilitate consummation of the transaction~~ comprises providing at least one active object in the web page associated with the entry.

9.   (previously presented) The method of claim 8 wherein the at least one active object comprises an acceptance button, activation of the acceptance button resulting in transmission of the acceptance to the first party via the wide area network.

10.   (previously presented) The method of claim 8 wherein the at least one active object comprises a counteroffer button, activation of the counteroffer button resulting in transmission of the counteroffer to the first party via the wide area network.

11.   (original) The method of claim 1 wherein providing the information comprises filtering current system bids according to at least one criterion specified by the third party.

12.   (previously presented) The method of claim 11 wherein the current system bids each have a second bid price and a second ask price associated therewith, the at least one criterion including at least one of a product category, a product seller, and a spread which is compared with a second difference between the second bid price and the second ask price for each current system bid.

13.   (previously presented) The method of claim 1 further comprising enabling the third party to facilitate consummation of the transaction by enabling the third party to specify at least one business rule for automatically responding to system bids via the wide area network.

14. (original) The method of claim 13 wherein enabling the third party to specify the at least one business rule comprises providing a plurality of criteria to the third party via the wide area network, the at least one business rule corresponding to a subset of the criteria specified by the third party.

15. (original) The method of claim 14 wherein the plurality of criteria includes at least one of a product identifier, a merchant identifier, a number of units being bid, a buyer reputation indicator, and whether an identified merchant has an identified product in stock.

16. (original) The method of claim 13 wherein enabling the third party to specify the at least one business rule comprises providing a plurality of response options to the third party via the wide area network, the at least one business rule corresponding to a subset of the response options specified by the third party.

17. (previously presented) The method of claim 16 wherein the plurality of response options includes at least one of communicate the acceptance and communicate the counteroffer.

18. (original) The method of claim 13 further comprising controlling implementation of the at least one business rule with reference to at least one other business rule associated with the second party.

19. (original) The method of claim 18 wherein controlling implementation of the at least one business rule comprises implementing the at least one other business rule before implementing the at least one business rule.

20. (original) The method of claim 18 wherein controlling implementation of the at least one business rule comprises waiting a predetermined time period before implementing at least one business rule.

21. (original) The method of claim 1 further comprising enabling a fourth party to facilitate consummation of the transaction between the first and second parties in conjunction with the third party via the wide area network.

22. (previously presented) The method of claim 21 wherein enabling the fourth party to facilitate consummation of the transaction comprises enabling the fourth party to cover a remainder portion of the first difference.

23. (original) The method of claim 1 wherein the information includes an identifier identifying the transaction as relating to a product which is part of a mutually exclusive bid group defined by one of the first and second parties.

24. (original) The method of claim 23 wherein enabling the third party to facilitate consummation of the transaction comprises enabling the third party to specify at least one business rule for automatically responding to system bids via the wide area network, the at least one business rule relating to the identifier.

25.   (currently amended) A computer program product for facilitating transactions in a wide area network between a first party and one or more second parties, comprising:

at least one computer readable medium; and

computer program instructions stored in the at least one computer readable medium for causing at least one computer to:

provide an ask price for a particular product to a first party, wherein the ask price is associated with ~~and specified by~~ a particular second party;

~~enable~~ submit by the first party ~~to submit~~ a bid price for the particular product of the particular second party in response to receiving the ask price, wherein the bid price is lower than the ask price;

provide information relating to a transaction between the first party and the particular second party to a third party's computer via the wide area network, the information including the bid price associated with the first party and the ask price associated with the particular second party wherein any interested entity facilitates consummation of the transaction as the third party via the wide area network; and

~~enable~~ transmitting a response from the third party's computer to ~~dynamically facilitate consummation of the transaction between the first and second parties by transmitting a counteroffer or an acceptance from the third party via the wide area network after receiving the bid price and the ask price, and enabling the third party to cover at least part of a difference between the bid and ask prices,~~

~~wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party~~ the transaction server after receiving the bid price and the ask price, the response from the third party one of:

a counteroffer wherein the counteroffer covers at least part of a first difference between the bid price and the ask price, wherein the transaction server transmits the counteroffer to the first party as an ask price; and

an acceptance wherein the acceptance covers the difference between the bid price and the ask price, wherein the transaction server terminates negotiations with one or more second parties for the particular product and completes the transaction.

26.   (currently amended) A method ~~for~~ of facilitating server-implemented transactions in a wide area network between a first party and one or more second parties, the method comprising:

providing by a transaction server an ask price for a particular product to a first party, wherein the ask price is associated with ~~and specified by~~ a particular second party;

~~enabling~~ submitting by the first party ~~to submit~~ a bid price for the particular product of the particular second party in response to receiving the ask price, wherein the bid price is lower than the ask price;

selectively providing by the transaction server information relating to a plurality of bids on a transaction site to a third party's computer via the wide area network, a first one of the bids involving the first party and the second party, the first bid including the bid price associated with the first party and the ask price associated with the particular

second party, ~~wherein any interested entity facilitates consummation of the transaction as~~ the third party via the wide area network;

transmitting a response from the third party's computer to ~~one of either the first party or the second party via the wide area network, the response comprising a counteroffer or an acceptance covering at least part of a difference between the bid and ask prices, wherein the third party dynamically facilitates consummation of the transaction after receiving the bid price and the ask price; and~~ the transaction server after receiving the bid price and the ask price, the response from the third party one of:

a counteroffer wherein the counteroffer covers at least part of a first difference between the bid price and the ask price, wherein the transaction server transmits the counteroffer to the first party as an ask price; and

an acceptance wherein the acceptance covers the difference between the bid price and the ask price, wherein the transaction server terminates negotiations with one or more second parties for the particular product and completes the transaction; and

notifying the other of the first party or the second party of the response via the wide area network~~, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party~~.

27. (canceled)

28. (previously presented) The method of claim 1 further comprising notifying the first party of the counteroffer transmitted to the second party via the wide area network.

29. (previously presented) The method of claim 1 further comprising notifying the first party of the acceptance transmitted to the second party via the wide area network.

30. (previously presented) The method of claim 8 wherein at least one active object comprises an acceptance button, activation of the acceptance button resulting in transmission of the acceptance to the second party via the wide area network.

31. (previously presented) The method of claim 8 wherein at least one active object comprises a counteroffer button, activation of the counteroffer button resulting in transmission of the counteroffer to the second party via the wide area network.

32. (currently amended) A method ~~for~~ of facilitating server-implemented transactions in a wide area network between a first party and one or more second parties, the method comprising:

providing ~~a first~~ by a transaction server an ask price for a particular product to a first party, wherein the first ask price is associated with ~~and specified by~~ a particular second party;

~~enabling~~ submitting by the first party ~~to submit~~ a ~~first~~ bid price for the particular product of the particular second party in response to receiving the first ask price, wherein the bid price is lower than the ask price;

providing by the transaction server information relating to a plurality of bids on a

transaction site to a third party~~'s computer~~ via the wide area network, the information being of a real-time nature and including the ~~first~~ bid price associated with the first party and the ~~first~~ ask price associated with the _particular_ second party, wherein the information further comprises one or more of real-time offers, ask prices, counteroffers, time in which offers and counteroffers are made, number and trend of completed transactions, number and trend of incomplete transactions, and transactional history<u>, wherein any interested entity facilitates consummation of the transaction as the third party via the wide area network</u>; and

~~enabling~~ <u>transmitting a response from</u> the third party<u>'s computer</u> to ~~dynamically facilitate consummation of a pending transaction between the first party and the second party by transmitting a counteroffer or an acceptance from the third party via the wide area network after receiving the first bid price and the first ask price, and enabling the third party to cover at least part of a first difference between the first bid price and the first ask price, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party~~ <u>the transaction server after receiving the bid price and the ask price, the response from the third party one of:</u>

<u>a counteroffer wherein the counteroffer covers at least part of a first difference between the bid price and the ask price, wherein the transaction server transmits the counteroffer to the first party as an ask price; and</u>

<u>an acceptance wherein the acceptance covers the difference between the bid price and the ask price, wherein the transaction server terminates negotiations with one or more second parties for the particular product and completes the transaction</u>..

33. (previously presented) The method of claim 32 further comprising presenting the information transmitted to a third party in a geographical format, allowing the third party to configure and adjust the presentation of the information.

34. (previously presented) The method of claim 32 further comprising notifying non-transactional parties via the wide area network, of buyer's completed and planned transactions at buyer's discretion.

35. (previously presented) The method of claim 32 further comprising automatic generating of a value indicative of a specific buyer's reputation, and providing the value via the wide area network to sellers and third parties involved in the transaction.

Pond, Robert

From:	Pond, Robert
Sent:	Friday, February 13, 2009 10:21 AM
To:	'Jonathan O. Owens'
Subject:	RE: Draft Claim suggestions
Importance:	High

Attachments: 09493750 DRAFT Claim re Bilski Revised 3.doc

Mr. Owens,
I'm suggesting changes to the latest draft you proposed yesterday for your comment/correction/approval. My suggested changes accomplish the following that address your client's desired outcome and PTO's:

- Creates the loop that produces a predictable outcome. Should the third-party send a counteroffer, the counteroffer becomes an ask price and the process starts over until an acceptance is reached.
- With both counteroffer and acceptance in play (not a conditional situation anymore), the reasons for allowance apply to the entire claim. Strengthens the combination, it is clear that we are not dealing with pre-stored subsidy amounts as does Walker patents and provides dynamic interaction.
- Leaves the door open for mutually exclusive bid groups in claim 23 without restricting the independent claim to only mutually exclusive bid groups. Claim 23 is now proper.
- Clarifies which computer facilitates the transactions versus first party, second party and/or third party computers.
- Changes "enabling" to positively cited step (I didn't pick up on this earlier).

Claim 1 is the model for all independent. Claim 25 is cut and paste. Claims 26 is cut and paste with additional "notifying" step. Please look at claims 27 and 32 for differences or cancellations.

Thanks,

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571-272-6760

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Sent: Thursday, February 12, 2009 9:45 PM
To: Pond, Robert
Subject: Draft Claim

Examiner Pond:

Thank you again for your time today. I think we are working towards a conclusion of this process. As we discussed, I am attaching a revised Claim 1. I have marked the claim to show the changes from the last entered amendment. You will see that I have added language "transmitting the second ask price to the first party . . ." This has support in the specification at least at page 42, line 23 – page 43, line 2. I look forward to hearing from you.

<<draft.claim.1.doc>>

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2/13/09

*** DRAFT ***

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accomplish the following that address your client's desired outcome and PTO's:

- Creates the loop that produces a predictable outcome. Should the third-party
  send a counteroffer, the counteroffer becomes <u>an ask price</u> and the process
  starts over until an acceptance is reached.

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  anymore), the reasons for allowance apply to the entire claim. Strengthens the
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  restricting the independent claim to only mutually exclusive bid groups. Claim 23
  is now proper.

- Clarifies which computer facilitates the transactions versus first party, second
  party and/or third party computers.

- Changes "enabling" to positively cited step (I didn't pick up on this earlier).

Claim 1. (Proposed) <u>A method of facilitating server-implement transactions in a wide area network between a first party and one or more second parties, the method comprising</u>:

providing <u>by a transaction server an ask</u> price for a particular product ~~from a particular second party~~ to a first party, wherein the ~~first~~ ask price is associated with ~~and specified by~~ a <u>the</u> particular second party;

<u>submitting</u> ~~enabling~~ by the first party ~~to submit~~ a ~~first~~ bid price for the particular product of the particular second party in response to receiving the ~~first~~ ask price<u>, wherein the ~~first~~ bid price is lower than the</u> ~~first~~ ask price;

providing <u>by the transaction server</u> information relating to a transaction between the first party and the <u>particular</u> second party to a third party<u>'s computer</u> via the wide area network, the information including the ~~first~~ bid price associated with the first party and the ~~first~~ ask price associated with the <u>particular</u> second party, <u>wherein any interested entity facilitates consummation of the transaction as the third party via the wide area network;</u> <u>and</u>

~~receiving~~ a counteroffer or an acceptance <u>transmitted</u> ~~from the third party via the wide area network~~ <u>using the third party's computer,</u> ~~after receiving the first bid price and the first ask price, and enabling the third party to~~ <u>wherein the</u> ~~counteroffer~~ <u>covers</u> at least part of a first difference between the first bid price and the first ask price ~~thereby forming a second ask price,~~ <u>further</u> ~~wherein the wide area network is configured to allow any interested entity to participate in~~

~~facilitates consummation of the transaction as the third party using via the wide
area network; and~~

~~transmitting the second ask price to the first party after receiving the
counteroffer, thereby enabling the first party to respond to the second ask price in
order to complete the transaction between the first party and the second party.~~

transmitting a response from the third party computer to the transaction
server after receiving the bid price and the ask price, the response from the third
party one of:

a counteroffer wherein the counteroffer covers at least part of a first
difference between the bid price and the ask price, wherein the transaction
server transmits the counteroffer to the first party as an ask price; and

an acceptance wherein the acceptance covers the difference
between the bid price and the ask price, wherein the transaction server
terminates negotiations with one or more second parties for the particular
product and completes the transaction.

Pond, Robert

From:	Jonathan O. Owens [jowens@hollp.com]
Sent:	Thursday, February 12, 2009 9:45 PM
To:	Pond, Robert
Subject:	Draft Claim
Attachments:	draft.claim.1.doc

Examiner Pond:

Thank you again for your time today. I think we are working towards a conclusion of this process. As we discussed, I am attaching a revised Claim 1. I have marked the claim to show the changes from the last entered amendment. You will see that I have added language "transmitting the second ask price to the first party . . ." This has support in the specification at least at page 42, line 23 – page 43, line 2. I look forward to hearing from you.

<<draft.claim.1.doc>>

Jonathan O. Owens
HAVERSTOCK & OWENS LLP
162 N. Wolfe Rd.
Sunnyvale, CA 94086
phone (408) 530-9700
fax (408) 530-9797

*** DRAFT ***

Claim 1. (currently amended) A computer-implemented method for facilitating

transactions in a wide area network, comprising:

    providing a first ask price for a particular product from a particular second

party to a first party, wherein the first ask price is associated with and specified

by ~~a~~ the particular second party;

    enabling the first party to submit a first bid price for the particular product

of the particular second party in response to receiving the first ask price, wherein

the first bid price is lower than the first ask price;

    providing information relating to a transaction between the first party and

the second party to a third party's computer via the wide area network, the

information including the first bid price associated with the first party and the first

ask price associated with the second party; ~~and~~

    ~~enabling the third party to dynamically facilitate consummation of the~~

~~transaction between the first and second parties by transmitting~~ receiving a

counteroffer or an acceptance transmitted from the third party via the wide area

network using the third party's computer, after receiving the first bid price and the

first ask price, ~~and enabling the third party to~~ wherein the counteroffer covers at

least part of a first difference between the first bid price and the first ask price

thereby forming a second ask price, further wherein ~~the wide area network is~~

~~configured to allow~~ any interested entity ~~to participate in~~ facilitates consummation

of the transaction as the third party ~~using~~ via the wide area network; and

transmitting the second ask price to the first party after receiving the

counteroffer, thereby enabling the first party to respond to the second ask price in

order to complete the transaction between the first party and the second party.

Pond, Robert

From:	Jonathan O. Owens [jowens@hollp.com]
Sent:	Tuesday, February 10, 2009 1:58 PM
To:	Pond, Robert
Subject:	RE: 09493750 DRAFT claim
Attachments:	09493750 DRAFT Claim re Bilski.revised.2.doc

Examiner Pond:

Thank you for your time today in discussing the changes to the claims. I am attaching a revised Claim 1 which includes the changes we discussed. Please let me know if anything else is required.

Jonathan O. Owens
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162 N. Wolfe Rd.
Sunnyvale, CA 94086
phone (408) 530-9700
fax (408) 530-9797

From: Pond, Robert [mailto:Robert.Pond@USPTO.GOV]
Sent: Tuesday, February 10, 2009 7:20 AM
To: Jonathan O. Owens
Subject: RE: 09493750 DRAFT claim

1:30 PM works.

From: Jonathan O. Owens [mailto:jowens@hollp.com]
Sent: Tuesday, February 10, 2009 10:06 AM
To: Pond, Robert
Subject: RE: 09493750 DRAFT claim

Examiner Pond:

I was in meetings all day yesterday and have a fairly busy schedule today. I do have some time at 1:00 PM or 1:30 PM your time. Would either of those times work for a quick phone call?

Jonathan O. Owens
HAVERSTOCK & OWENS LLP
162 N. Wolfe Rd.
Sunnyvale, CA 94086
phone (408) 530-9700
fax (408) 530-9797

2/13/09

From: Pond, Robert [mailto:Robert.Pond@USPTO.GOV]
Sent: Tuesday, February 10, 2009 2:49 AM
To: Jonathan O. Owens
Subject: RE: 09493750 DRAFT claim

Just checking to see where we are with this.

Rob Pond
571-272-6760

From: Pond, Robert
Sent: Monday, February 09, 2009 10:45 AM
To: 'Jonathan O. Owens'
Subject: RE: 09493750 DRAFT claim

Correction: I commented below that a non-final would be issued on the RCE should we not be able to resolve issues this week. Your case is in after final status so I would withdraw finality and reject on the trivial case of first ask price and bid price being the same.

From: Pond, Robert
Sent: Monday, February 09, 2009 9:50 AM
To: 'Jonathan O. Owens'
Subject: RE: 09493750 DRAFT claim

Mr. Owens,
Thanks for sending your proposal. My use of the phrase trigger condition may have been misleading : "and when there is a first difference between the first bid price and the first ask price:" builds an implied conditional branch. What we need is language for only the situation where the first bid price is lower than the first ask price. If your spec covers the situation where the first bid price is higher or lower than the first ask price, you can can cover the situation with language indicating the first bid price is different than the first ask price. Otherwise, the implied conditional branch as proposed covers at least the trivial case that is notoriously old and well-known.

Also, we talked about your invention being within an auction setting to additionally nudge around the dynamicism as disclosed by Walker. I'm still evaluating Walker patents for final determination on real-time subsidies vs pre-determined subsidies.

Also, your instant spec discloses subsidies within the detailed section so subsidy prior art is relevant. If we cannot resolve issues this week, I'll issue a non-final on the RCE and we can resume talks afterwards.

Rob Pond, 571-272-6760

From: Jonathan O. Owens [mailto:jowens@hollp.com]
Sent: Sunday, February 08, 2009 8:00 PM
To: Pond, Robert
Subject: RE: 09493750 DRAFT claim

Examiner Pond:

Thank you for sending this claim. I have made some modifications along the lines that we talked about. Please let me know if this is acceptable or if anything else needs to be changed. I look forward to hearing from you.

Jonathan O. Owens
HAVERSTOCK & OWENS LLP
162 N. Wolfe Rd.
Sunnyvale, CA 94086
phone (408) 530-9700
fax (408) 530-9797

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From: Pond, Robert [mailto:Robert.Pond@USPTO.GOV]
Sent: Friday, February 06, 2009 9:01 AM
To: Jonathan O. Owens
Subject: RE: 09493750 DRAFT claim

Mr. Owens,
Good talk earlier. Attached was my draft pass to meet Bilski test for comment/suggestion/approval. The trigger condition discussed must always get us through the full claim (i.e. written such that the notoriously well-known situation of a seller's first ask price and buyer's first bid price being the same price cannot occur).

Let's use claim 1 as the model and once in agreement, then amend all remaining independent claims accordingly.

Rob Pond
571-272-6760

From: Jonathan O. Owens [mailto:jowens@hollp.com]
Sent: Friday, February 06, 2009 10:03 AM
To: Pond, Robert
Subject: RE: 09493750

Examiner Pond:

11 AM your time is still good. Let's plan on talking then.

2/13/09

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From: Pond, Robert [mailto:Robert.Pond@USPTO.GOV]
Sent: Thursday, February 05, 2009 4:31 PM
To: Jonathan O. Owens
Subject: RE: 09493750

PS: if we miss this evening, 11 AM is available.

From: Pond, Robert
Sent: Thursday, February 05, 2009 7:24 PM
To: 'Jonathan O. Owens'
Subject: RE: 09493750

Mr. Owens,
I've been out all day (meeting on PTO campus) and just getting some time in my office. Are you available now?

Rob Pond

From: Jonathan O. Owens [mailto:jowens@hollp.com]
Sent: Thursday, February 05, 2009 10:11 AM
To: Pond, Robert
Subject: RE: 09493750

Examiner Pond:

Thank you for your email. Would you have some time late afternoon today (after 4 PM your time) or
tomorrow anytime after 11 AM? Let me know what is best for your schedule and I will call at that time.
Thank you.

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From: Pond, Robert [mailto:Robert.Pond@USPTO.GOV]
Sent: Wednesday, February 04, 2009 3:43 PM
To: Jonathan O. Owens
Subject: RE: 09493750

Mr. Owens,
I'm following up on a voicemail left yesterday regarding this case. Would like to have a discussion regarding
potential allowance.

Examiner Pond
571-272-6760

*** DRAFT ***

Claim 1. (currently amended) A computer-implemented method for facilitating
transactions in a wide area network, comprising:

     providing a first ask price for a particular product to a first party, wherein
the first ask price is associated with and specified by a particular second party;

     enabling the first party to submit a first bid price for the particular product
of the particular second party in response to receiving the first ask price, wherein
the first bid price is lower than the first ask price;,

     providing information relating to a transaction between the first party and
the second party to a third party's computer via the wide area network, the
information including the first bid price associated with the first party and the first
ask price associated with the second party; and

     receiving a counteroffer or an acceptance transmitted from the third party
via the wide area network using the third party's computer, after receiving the first
bid price and the first ask price, enabling the third party to dynamically facilitate
consummation of the transaction using the third party's computer and cover at
least part of a first difference between the first bid price and the first ask price,
wherein any interested entity participates in the transaction as the third party using the
wide area network.

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when there is a first difference
between the first bid price and the
first ask price.

Deleted: enabling the third party to
dynamically facilitate consummation
of the transaction between the first
and second parties by transmitting

Deleted: and

Pond, Robert

From:	Jonathan O. Owens [jowens@hollp.com]
Sent:	Sunday, February 08, 2009 8:00 PM
To:	Pond, Robert
Subject:	RE: 09493750 DRAFT claim
Attachments:	09493750 DRAFT Claim re Bilski.revised.doc

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the first ask price is associated with and specified by a particular second party;

　　　　enabling the first party to submit a first bid price for the particular product

of the particular second party in response to receiving the first ask price; and

when there is a first difference between the first bid price and the first ask price:

　　　　providing information relating to a transaction between the first party and

the second party to a third party's computer via the wide area network, the

information including the first bid price associated with the first party and the first

ask price associated with the second party; and

　　　　enabling the third party to dynamically facilitate consummation of the

transaction between the first and second parties by transmitting a counteroffer or

an acceptance from the third party via the wide area network using the third

party's computer after receiving the first bid price and the first ask price, and

enabling the third party to cover at least part of a first difference between the first

bid price and the first ask price,

wherein any interested entity participates in the transaction as the third party using the

wide area network.

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